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Docket No.: 80176(302730)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshihiro Yamada et al.

Application No.: 10/528,659

Confirmation No.: 9383

Filed: October 5, 2005

Art Unit: 1634

For: METHOD OF PREDICTING GENETIC RISK
FOR HYPERTENSION

Examiner: D. B. Johannsen

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed January 10, 2008, applicant hereby provisionally elects Group I, claims 1 and 3 for continued examination.

The Examiner has required restriction between Group 1 (claims 1 and 3); Group 2 (claims 2 and 4); Group 3 (claims 5 and 7) and Group 4 (claims 6 and 8).

The Examiner indicates that Applicant must further elect a single polymorphism combination from those encompassed by the claims if either of Group I or II is elected.

Applicants further elect the polymorphism combination of (1) a polymorphism at the base number position 1648 of the glycoprotein Ia gene, (2) a polymorphism at the base number position 190 of the chemokine receptor 2 gene and (3) a polymorphism at the base number position 1100 of the apolipoprotein C-III gene, with traverse.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. Applicants have elected the polymorphism combination of the three genes (1), (2) and (3). Any comprehensive search of the art by the Examiner would encompass any combination of any of the selected genes, e.g. (1) and (2), or each of (1), (2) or (3) alone. Both substantial time and expense for both Applicants and the USPTO will be saved if the polymorphism or nucleic acid combinations encompassed by the claims are considered at this time, rather than necessitating the filing of continuing applications.

It is respectfully requested that the restriction requirement of a single polymorphism combination from those encompassed by the claims of Group I be withdrawn, and that each of the polymorphism combinations of the three genes of (1), (2) or (3) presently pending in this application be examined.

Applicants believe the pending application is in condition for allowance.

Dated: February 6, 2008

Respectfully submitted,

By 

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